

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL SHAQUIN ROANE,
Plaintiff,

v.

CHERYL STEBERGER, et al.,
Defendants.

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Case No. 5:24-cv-4486-JDW

ORDER

AND NOW, this 19th day of December, 2024, upon consideration of Plaintiff Michael Shaquin Roane's Motions to Proceed *In Forma Pauperis* (ECF No. 1, 6), Prisoner Trust Fund Account Statement (ECF No. 7), and *pro se* Complaint (ECF No. 2), it is **ORDERED** as follows.

1. The Motion For Leave To Proceed *In Forma Pauperis* (ECF No. 6) is

GRANTED.

2. The Motion For Leave To Proceed *In Forma Pauperis* (ECF No. 1) is

DENIED AS MOOT.

3. Michael Shaquin Roane, #14-2020, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Warden of the Lancaster County Prison or other appropriate official shall assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Roane's inmate account; or (b) the average monthly balance in Mr. Roane's inmate account for the six-month period immediately preceding the filing of this case. The Warden or

other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Roane's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Roane's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

4. The Clerk of Court shall send a copy of this Order to the Warden of the Lancaster County Prison.

5. The Complaint is deemed filed.

6. For the reasons stated in the accompanying Memorandum, Mr. Roane's claims against Warden Cheryl Steberger, Captain Jenkins, Lieutenant Jamal Leath, Investigator Justin Hackler, Deputy Warden Aberts, and Major Louis Chircillo are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

7. The Clerk of Court shall send Mr. Roane a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.

8. Mr. Roane may file an Amended Complaint on or before January 24, 2025. Any Amended Complaint shall identify all defendants in the caption of the Amended

Complaint in addition to identifying them in the body of the Amended Complaint, shall state the basis for Mr. Roane's claims against each defendant, and shall bear the title "Amended Complaint" and the case number, No. 24-4486. **If Mr. Roane files an Amended Complaint, his Amended Complaint must be a complete document that includes all of the bases for Mr. Roane's claims, including claims that the Court has not yet dismissed such as his excessive force claim against Sergeant Klinger, if he seeks to proceed on those claims.** Claims that Mr. Roane does not include in an Amended Complaint will not be part of this case. When drafting his Amended Complaint, Mr. Roane should be mindful of my reasons for dismissing his claims, as explained in the accompanying Memorandum. Upon the filing of an Amended Complaint, the Clerk shall not make service until I so order.

9. If Mr. Roane does not file an Amended Complaint, then I will direct service of his initial Complaint on Sergeant Klinger only. Mr. Roane may also notify the Court that he seeks to proceed on these claims rather than file an Amended Complaint. If he files such a notice, Mr. Roane must include the case number for this case, No. 24-4486.

10. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

11. Mr. Roane's request for the appointment of counsel is **DENIED** without prejudice as premature.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.